

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

Consideration of the Christian County Board of Education's appeal of the Commissioner's determination under KRS 160.346 regarding the authority of the Christian County High School site-based decision making council (Staff recommendation and materials submitted by Christian County under separate cover)

#### **Applicable Statute or Regulation:**

KRS 160.346 (as amended by 2010 HB 176) and 703 KAR 5:180

#### **Action Question:**

Should the Kentucky Board of Education (KBE) affirm the Commissioner's determination that removed the authority of the Christian County High School site-based decision making council authority pursuant to KRS 160.346?

#### **History/Background:**

***Existing Policy.*** KRS 160.346 (2010 Regular Session of the General Assembly, HB 176) defines "persistently low-achieving school" for purposes of implementing intervention options designed to turn around and improve the progress of a persistently low-achieving school. The turnaround process begins with the "leadership assessment" conducted by an audit team established in the statute.

KRS 160.346 states in pertinent part:

An audit team, established under KRS 158.6455 (4) and (5), auditing a persistently low-achieving school, shall include in the review and report:

1. The functioning of the school and the school council;
2. A determination of the school council and principal's ability to lead the intervention in the persistently low-achieving school;
3. The interaction and relationship between the superintendent, central office personnel, and the council; and
4. A recommendation to the commissioner of education concerning whether the school council should retain the authority granted to it under KRS 160.345, whether the council should be replaced, and whether the current principal should remain as principal in the school.

KRS 160.346 further states that within thirty (30) days of receiving the reports of the school and district audits, the commissioner shall act on the recommendations in the reports and other relevant data that the commissioner considers to have bearing on his or her determination of actions to be taken. Based upon this requirement, the Commissioner makes the final determination of actions to be taken based upon the findings in the report. These determinations may or may not be consistent with the recommendations of the audit team.

On March 17, 2011, the Christian County Board of Education filed an appeal to the KBE pursuant to KRS 160.346. Specifically, the Christian County Board of Education is appealing the transfer of the Christian County High School SBDM council authority to the superintendent, as evidenced by the leadership assessment report and as determined by the Commissioner pursuant to the specific authority given the Commissioner under KRS 160.346.

KRS 160.346 provides that in approving, amending or vacating the Commissioner's decision on appeal, the KBE "shall consider the audit reports, the commissioner's decision and the request for consideration with any supporting information, and make a final determination."

**Staff Recommendation(s) and Rationale(s):**

Staff's recommendation and rationale, including the materials filed by the Christian County Board of Education, will be provided under separate cover.

**Impact on Getting to Proficiency:**

In order to effectively implement the intervention options for persistently low-achieving schools, it is necessary for the Commissioner to make determinations about the leadership capacity of school and district leadership as required by KRS 160.346.

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**Commissioner of Education**

**Date:**

April 2011